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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,849	12/18/2001	Gerad Pucheu-Marque	28944/40018	6145
29471	7590	11/16/2006		
MCCRACKEN & FRANK LLP 200 W. ADAMS STREET SUITE 2150 CHICAGO, IL 60606			EXAMINER HALIYUR, VENKATESH N	
			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/024,849	PUCHEU-MARQUE, GERAD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Venkatesh Haliyur	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/22/2006 has been entered.

2. Claims 1-11 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 are rejected under 35 U.S.C. 102(b) as anticipated by Grube et al [US Pat 5,987,331] or, in the alternative, under 35 U.S.C. 103(a) as obvious over Grube et al [US Pat 5,987,331] in view of Raith [US Pat 5,903,552].

Regarding claims 1,8,10, Grube et al in the invention of "Communication System to Communication System Gateway Method and Apparatus" disclosed a

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Method for allocating radio resources (**RF resource controller, item 105 of Fig 1**) for the establishment of an outgoing call originating from a mobile terminal (**item 107 of Fig 1**) of a first system (**item 101 of Fig 1**) for radio communications with mobiles having a given radio interface and a mutual help channel (**control channel, item 117 of Fig 1**), via a base station of a second system (**System 2, item 113 of Fig 1**) for radio communications with mobiles, said second system being distinct from said first system (**col 2, lines 39-67**), and said first and second systems comprising respective terminals and base stations (**RF site 1, item 108 of Fig 1**) and having respective radio interface which are mutually incompatible (**Each communication system is of different type like GSM, Digital Cellular etc., col 3, lines 1-67, col 4, lines 1-18**), wherein the base station carries out the steps of: a) monitoring said mutual help channel of the first system (**receive call request over control channel**); and b) in case of detection, by the base station (**RF site 1**), of a given pattern transmitted (**ID of the mobile terminal**) by the mobile terminal on said mutual help channel (**control channel**), allocating a traffic channel (**voice or data channel, item 118 of Fig 1**) emulating the radio interface of the first system, for communication with the mobile terminal (**col 4, lines 19-67, col 5, lines 1-40**) [**Figs1-2,4, col 6, lines 60-67, col 7, lines 1-67, col 8, lines 1-48**].

Regarding claims 2,9,11, Grube et al disclosed that a given pattern is transmitted by the mobile terminal but fails to disclose that a given pattern is transmitted periodically by the mobile terminal on the mutual help channel with a first periodicity, However, Raith in the invention of "Discriminating Between Channels in Wireless Communication Systems" disclosed that given signal pattern is transmitted periodically by the mobile

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terminal on the mutual help channel (**paging/control channel**) with a first periodicity of ( **col 1, lines 1-67, col 2, lines 1-27**) and wherein step a) comprises: monitoring said mutual help channel during given periodic timeslots (**col 2, lines 16-54**); measuring the power level (**of the strongest control channel**) at the frequency of said mutual help channel during said given periodic timeslots (**successive time slots, col 1, lines 44-67, col 2, lines 1-38**) ; if this power level is greater than a given threshold, assigning a control logical channel dedicated to searching for the given pattern on the said mutual help channel (**col 2, lines 55-63**), the timeslots of said control logical channel having a second periodicity which is not proportional to said first periodicity (**non consecutive time slots**); and monitoring said mutual help channel during the timeslots of said control logical channel, while taking into account the characteristics of the radio interface of the first system (**mobile station stay tuned to the best control channel with good reception quality**) [**col 2, lines 38-54,col 4, lines 12-55**].

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the method of transmitting signal pattern periodically by the mobile terminal on the mutual help channel with a first periodicity, monitoring, measuring power level and assigning a control logical channel having a second periodicity which is not proportional to said first periodicity as taught by Raith in the system of Grube et al to transmit best quality mutual help channel over the radio interface of first system. One is motivated as such in order to transmit the given pattern

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of the mobile terminal over strongest mutual help channel to allocate a traffic channel emulating the radio interface of the first system.

Regarding claim 3-5, Grube et al. disclosed broadcasting a page message to targeted communication systems (**col 7, lines 37-55**), but fails to disclose that given periodic timeslots consist of at least some of the timeslots (**successive timeslots 1...N**) of a broadcasting logical channel set up on a downlink control physical channel specific to the base station, however Raith disclosed that given periodic timeslots consist of at least some of the timeslots of a broadcasting logical channel set up on a downlink control physical channel specific to the base station (**col 3, lines 35-65,col 4, lines 42-59**) and the mobile terminals of the second system are silent (**sleep mode**) during said given periodic timeslots (**col 2, lines 16-27**) and the given pattern is a synchronization sequence inserted periodically into the frame of a traffic physical channel of the first system (**col 4, lines 60-67**).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the method of given periodic timeslots consisting of at least some of the timeslots of a broadcasting logical channel set up on a downlink control physical channel specific to the base station as taught by Raith in the system of Grube et al to broadcast a logical channel set up on a downlink control physical channel specific to the base station. One is motivated as such in order to transmit the given periodic timeslots consisting of at least some of the timeslots of a broadcasting logical channel set up on a downlink control physical channel specific to the base station to

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communicate with the best quality signal characteristics with the mobile terminal of that system.

Regarding claims 6-7, Grube et al disclosed the allocation of the traffic channel is automatic and the allocation of the traffic channel is controlled by an operator [col 7, lines 9-55].

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached @ (571)-272-3139. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Venkatesh Haliyur

Patent Examiner

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11/9/06

*Rich*  
RICKY Q. NGO  
SUPERVISORY PATENT EXAMINER